

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,
Plaintiff,

– against –

ESTATE OF JAMES M. GOODMAN, and
AUDREY GOODMAN, individually, and in her
capacity as Personal Representative of the
Estate of James M. Goodman,
Defendants.

ORDER

21-cv-1763 (ER)

Ramos, D.J.:

Before the Court is Defendants’ motion to withdraw the bankruptcy reference in this avoidance action on the basis that the case is trial ready, and they seek to exercise their Seventh Amendment right to a jury trial, which they argue must be conducted in an Article III district court. Doc. 1 at 2. Plaintiff opposes the motion, in part because it intends to move for summary judgment in the Bankruptcy Court, on which the Bankruptcy Court can issue proposed findings of fact and conclusions of law even if it lacks adjudicative authority. Doc. 3 at 8.

Given Plaintiff’s summary judgment motion, this case is not trial ready, and Defendants’ motion to withdraw the reference is therefore denied without prejudice as premature. *See, e.g., Picard v. Estate of James M. Goodman*, No. 21-cv-907 (VSB) (S.D.N.Y. Mar. 8, 2022), Doc. 9 (denying Defendants’ motion to withdraw the reference as premature because Plaintiff planned to file a summary judgment motion); *Picard v. Jacob M. Dick Rev Living Trust DTD 4/6/01*, No. 21-cv-706 (JPO) (S.D.N.Y. Feb. 10, 2022), Doc. 7 (same); *Picard v. Palmedo*, No. 20-cv-1926 (PGG) (S.D.N.Y. July 8, 2020), Doc. 5 (same); *Picard v. Est. of Allen Meisels*, No. 20-cv-1278 (GHW) (S.D.N.Y. June 8, 2020), Doc. 17 (same).

Defendant's motion to withdraw the bankruptcy reference is therefore DENIED without prejudice. The parties may move to reopen the case after the Bankruptcy Court addresses Plaintiff's anticipated motion for summary judgment. The Clerk of Court is directed to terminate the motion, Doc. 1, and close the case.

SO ORDERED.

Dated: June 16, 2023
New York, New York



Edgardo Ramos, U.S.D.J.